

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Applicant thanks the Examiner for indication of the allowability of claims 2, 3 and 13, which were objected to solely for being dependent upon rejected base claims.

[05/10/2007 Office Action at p. 10].

Claims 1-18 were pending. By this paper, claims 1, 3, 11 and 12 are amended, and claims 2 and 13 are cancelled without prejudice or disclaimer. Claims 1 and 12 are amended to recite the subject matter of allowable claims 2 and 13, respectively. Claim 3 is amended to depend upon independent claim 1 instead of claim 2. Accordingly, claims 1 and 12, and their dependent claims 3-11 and 14-18, are believed to be in condition for allowance.

Claim 11 is amended to recite “wherein the motor driving circuit includes a circuit board and a switching element, wherein the circuit board has a first surface facing the circuit cover and a second surface located on a side opposite from the circuit cover, and wherein the switching element is mounted on the second surface” and “wherein, when the circuit cover is joined to the compressor housing, the switching element is pressed against the compressor housing via the elastic member.” Support for the amendment to claim 11 may be found throughout the application as originally filed, including for example at page 9, lines 4-23.

Accordingly, no new matter will be added to this application by entry of these amendments. Therefore, entry of the amendments is respectfully requested.

As to matters of form, the office action rejected claim 11 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. [05/10/2007 Office Action at p. 2]. The above described amendment to claim 11 is believed to define with reasonable clarity the patentable

subject matter and would be readily understood by a person of ordinary skill in the art.

Applicant respectfully requests withdrawal of the rejection of claim 11 under § 112, second paragraph.

As to matters of substance, the office action rejected claims 1 and 4-11 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2004/0013544 to Kimura et al ("Kimura"). [05/10/2007 Office Action at p. 2]. The office action also rejected claims 1, 4-9, 12 and 14-16 under § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication 2002/0025265 to Ikeda ("Ikeda") in view of U.S. Patent No. 5,360,322 to Henein et al ("Henein"). [05/10/2007 Office Action at p. 5]. Lastly, the office action rejected claims 10, 11, 17 and 18 under § 103(a) as allegedly being obvious over Ikeda in view of Henien as applied to claims 1, 4-9, 12 and 14-16, in further view of Kimura. [05/10/2007 Office Action at p. 8]. The above described amendments are believed to render moot the rejections to the claims.

Applicant has chosen in the interest of expediting prosecution of this patent application to amend the pending claims as set forth above. These amendments should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind documents cited by the office action or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the claims in the future as appropriate.

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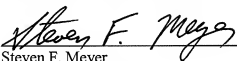
CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 5000-5417.

Respectfully submitted,
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